

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

DARRYL O'BRIEN, §  
Plaintiff, § CIVIL ACTION NO. 5:19-cv-01245-JKP-HJB  
v. § § MAGISTRATE HENRY J. BEMPORAD  
CLIENT SERVICES, INC., § § JURY TRIAL DEMANDED  
Defendant. § §

**JOINT RULE 26(f) REPORT**

The parties, through their counsel, conferred as required by Fed. R. Civ. P. 26(f) and the Local Rules, on February 20, 2020, and prepared the following report:

1. **Are there any outstanding jurisdictional Issues?** No.
2. **Are there any unserved parties?** No.
3. **What are the causes of action, defenses, and counterclaims in this case? What are the elements of the cause(s) of action, defenses, and counterclaims pled?**

Plaintiff brings Count I of his Complaint alleging violations of the Fair Debt Collection Practices Act (“FDCPA”) under 15 U.S.C. §1692 *et seq.* for placing a harassing volume of phone calls to Plaintiff’s phone without his consent. Plaintiff brings Count II of his Complaint alleging violations of the Texas Debt Collection Act (“TDCA”) pursuant to Tex. Fin. Code Ann. §392 for continuously placing phone calls to Plaintiff’s cellular phone number after he demanded it cease calling.

4. **Are there agreements or stipulations that can be made about any facts in this case or any element in the cause(s) of action?**

The parties agree that Defendant was assigned the obligation to collect upon the debt which is the subject of the complaint.

5. **What are the parties' views and proposals on items identified in Rule 26(f)(3)?**

*See Joint Scheduling Recommendations (Dkt. 18).*

6. **What, if any, discovery has been completed? What discovery remains to be done?**

**Have the parties considered conducting discovery in phases?**

No discovery has been completed at this time. Fact, expert, and non-expert discovery are ongoing. The parties do not wish to conduct discovery in phases.

7. **What, if any, discovery disputes exist?**

None at this time.

8. **Have the parties discussed the desirability of filing a proposed order pursuant to Federal Rule of Evidence 502?**

The parties have not discussed a proposed order pursuant to Federal Rule of Evidence 502 at this time.

9. **Have the parties discussed mediation?**

The parties have not discussed mediation at this time.

Dated: February 20, 2020

Respectfully submitted,

*/s/ Alexander J. Taylor*  
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**CERTIFICATE OF SERVICE**

I hereby certify that I today caused a copy of the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system which will be sent to all attorneys of record.

*/s/ Alexander J. Taylor*  
Alexander J. Taylor, Esq.